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Application Number

10/763,681

Filing Date

January 23, 2004

First Named Inventor

Atzeni, Salvatore

Art Unit

2878

Examiner Name

ALLEN, Stephone B.

Attorney Docket Number

25619/9

**ENCLOSURES (Check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Brown Rudnick Berlack Israels LLP

Signature

Printed name

Anthony H. Handal

Date

January 22, 2007

Reg. No.

26,275

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Patent Docket No. 25619/9

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT(S):** Atzeni, Salvatore      **EXAMINER:** ALLEN, Stephone B.  
**SERIAL NO.:** 10/763,681      **ART UNIT:** 2878  
**FILED:** January 23, 2004      **CONF. NO.:** 7482  
**FOR:** MICROSCOPE FOR PERFORMING MULTIPLE FREQUENCY

**CERTIFICATE OF MAILING**

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By: Michelle A. Aiello  
Michelle A. Aiello

January 22, 2007  
Date

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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01/26/2007 SPENB001 00000025-500369 10763681

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Dear Examiner:

Assignee of the above reference application, hereby disclaims the term of any patent issued in this case which would otherwise extend past, the expiration date of United States Patent Application No. 11/184,407 filed on July 19, 2005 and agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent Application No. 11/184,407, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent issuing from the aforesaid United States Patent Application No. 11/184,407 in the event that a patent issuing from



Patent Application No. 11/184,407 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, are statutorily disclosed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

The undersigned, an attorney of record in this application, is empowered to act on behalf of the assignee pursuant to 37 C.F.R. 1.321(a).

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 8 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Authorization is hereby given to charge Deposit Account No. 50-0369 in the amount of \$65.00 and any other necessary fees required by this paper pursuant to 37 C.F.R. 1.20(d) for filing this Terminal Disclaimer. FORM PTO/SB/25 IS HEREBY ATTACHED.

Respectfully submitted,

By: \_\_\_\_\_

  
Anthony H. Handal

Reg. No. 26,275

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 Docket Number (Optional)  
 25619/9

In re Application of: Atzeni, Salvatore

Application No.: 10/763,681

Filed: January 23, 2004

For: MICROSCOPE FOR PERFORMING MULTIPLE FREQUENCY

The owner\*, Horiba Jobin Yvon, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend the expiration date of the full statutory term of any patent granted on pending **reference** Application 11/184,407 filed on July 19, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. 26,275

  
 Signature

Anthony H. Handal

January 23, 2007  
 Date

Typed or printed name

01/26/2007 SDENB01 00000025 10763681

01 FC:281 65.00 DA

212-209-4942

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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 Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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